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EXAMINER

MANDALA, VICTOR A

ART UNIT

PAPER NUMBER

2826

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,063

Applicant(s)

YU ET AL.

Examiner

Victor A Mandala Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 18 November 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The Applicant has amended claim 1 and 6 to overcome the 35 U.S.C 103 (a) rejection based upon the Applicant's Admitted Prior Art. The examiner has considered the Applicant's amendment, but finds the amendment to not overcome the previous rejection. The examiner views the disclosed term "edge" is broad, which allows the prior art to be read on the Applicant's disclosure. The revised 35 U.S.C 103 (a) rejection will still stand on claims 1-2 and 4-7.
2. The Applicant has amended claim 1 and 6 to overcome the 35 U.S.C 103 (a) rejection based upon over U.S. Patent No. 5,737,051 Kondo et al. The examiner has considered the Applicant's amendment, but finds the amendment to not overcome the previous rejection. The examiner views the disclosed term "edge" and coupled to be broad, which allows the prior art to be read on the Applicant's disclosure. The revised 35 U.S.C 103 (a) rejection will still stand on claims 1-3 and 6-8.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the region". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art.

4. Referring to claim 1, a thin-Film Transistor array structure, (Applicant's Admitted Prior Art Figure 1A), comprising: a Thin-Film Transistor, (10); a data line, (DL), coupled to a drain electrode, (18), of the Thin-Film Transistor, (10); a scanning line, (SL), coupled to a gate electrode, (Applicant did not label in Figure 1A, but the structure is the same as the Applicant's design in Figure 2A, so it is apparent that it is the same as the labeled 20b in Figure 2A), of the thin-film transistor, (10), and crossed to the data line, (DL), to form a plurality of rectangular pixels in matrix, (Applicant's Disclosure Page 1 Lines 15-16 & it is obvious to one skilled in the art that a matrix array of pixels are necessary to display or capture an image and in Figure 1A the DL is connected to another drain from another TFT shown on the top of the figure); a pixel electrode, (16), formed at each of the pixels and coupled, (14), to a source electrode, (12 & see ** below), of the thin-film transistor, (10), the pixel electrode, (16), having an edge; and an auxiliary electrode, (12 & see ** below), coupled, (14), to the pixel electrode, (16), wherein the edge of the pixel electrode, (16), is disposed on the auxiliary electrode, (12 & see ** below).

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**** Initially, it is noted that the 35 U.S.C. § 103 rejection based on a source electrode and a auxiliary electrode deals with an issue (i.e., the integration of multiple pieces into one piece or conversely, using multiple pieces in replacing a single piece) that has been previously decided by the courts.**

In Howard v. Detroit Stove Works 150 U.S. 164 (1893), the Court held, "it involves no invention to cast in one piece an article which has formerly been cast in two pieces and put together...."

In In re Larson 144 USPQ 347 (CCPA 1965), the term "integral" did not define over a multi-piece structure secured as a single unit. More importantly, the court went further and stated, "we are inclined to agree with the solicitor that the use of a one-piece construction instead of the [multi-piece] structure disclosed in Tuttle et al. would be merely a matter of obvious engineering choice" (bracketed material added). The court cited In re Fridolph for support.

In re Fridolph 135 USPQ 319 (CCPA 1962) deals with submitted affidavits relating to this issue. The underlying issue in In re Fridolph was related to the end result of making a multi-piece structure into a one-piece structure. Generally, favorable patentable weight was accorded if the one-piece structure yielded results not expected from the modification of the two-piece structure into a single piece structure.

Therefore, it would have been obvious to one of ordinary skill in the art to use the source and the auxiliary electrode as "merely a matter of obvious engineering choice" as set forth in the above case law.

5. Referring to claim 2, a thin-film transistor array structure, wherein a pattern constructed by the auxiliary electrode, the source electrode and the data line is designed as a mask.

Initially, and with respect to claim 2, note that a "product by process" claim is directed to the product per se, no matter how actually made, In re Hirao, 190 USPQ 15 at 17 (footnote 3). See also In re Brown, 173 USPQ 685; In re Luck, 177 USPQ 523; In re Wertheim, 191 USPQ 90 (209 USPQ 554 does not deal with this issue); In re Fitzgerald, 205 USPQ 594, 596 (CCPA); In re Marosi et al., 218 USPQ 289 (CAFC); and most recently, In re Thorpe et al., 227 USPQ 964 (CAFC, 1985) all of which make it clear that it is the final product per se which must be

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determined in a "product by process" claim, and not the patentability of the process, and that, as here, an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not. Note that Applicant has burden of proof in such cases as the above case law makes clear.

As to the grounds of rejection under section 103, see MPEP § 2113

6. Referring to claim 4, a thin-film transistor array structure, wherein the pixel electrode, (16), is coupled to the source electrode, (12), via a contact hole, (14).
7. Referring to claim 5, a Thin-Film Transistor array structure, wherein the auxiliary electrode, (12 & see ** above), is coupled to the pixel electrode, (16), via a contact hole, (12).
8. Referring to claim 6, a thin-film transistor array structure, comprising: a Thin-Film Transistor; a data line, (DL), coupled to a drain electrode, (18), of the thin-film transistor, (10); a scanning line, (SL), coupled to a gate electrode, (Applicant did not label in Figure 1A, but the structure is the same as the Applicant's design in Figure 2A, so it is apparent that it is the same as the labeled 20b in Figure 2A), of the thin-film transistor, (10), and crossed to the data line, (DL), to form a plurality of rectangular pixels in matrix, (Applicant's Disclosure Page 1 Lines 15-16 & it is obvious to one skilled in the art that a matrix array of pixels are necessary to display or capture an image and in Figure 1A the DL is connected to another drain from another TFT shown on the top of the figure); and a pixel electrode, (16), formed at each of the pixels and coupled, (14), to a source electrode, (12), of the thin-film transistor, (10), via a contact hole, (14), wherein the edge of the pixel electrode, (16), is disposed on the source electrode, (12), which is extended to the region where the pixel electrode, (16), is next to the data line, (DL).

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9. Referring to claim 7, a thin-film transistor array structure, wherein a pattern constructed by the source electrode and the data line is designed as a mask.

Initially, and with respect to claim 7, note that a "product by process" claim is directed to the product per se, no matter how actually made, In re Hirao, 190 USPQ 15 at 17 (footnote 3). See also In re Brown, 173 USPQ 685; In re Luck, 177 USPQ 523; In re Wertheim, 191 USPQ 90 (209 USPQ 554 does not deal with this issue); In re Fitzgerald, 205 USPQ 594, 596 (CCPA); In re Marosi et al., 218 USPQ 289 (CAFC); and most recently, In re Thorpe et al., 227 USPQ 964 (CAFC, 1985) all of which make it clear that it is the final product per se which must be determined in a "product by process" claim, and not the patentability of the process, and that, as here, an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not. Note that Applicant has burden of proof in such cases as the above case law makes clear.

As to the grounds of rejection under section 103, see MPEP § 2113

Claim Rejections - 35 USC § 103

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,737,051 Kondo et al.

10. Referring to claim 1, a thin-film transistor array structure, (Figures 19 & 20), comprising: a thin-film transistor, (Figure 19 & Col. 13 Lines 65-66); a data line, (12), coupled to a drain electrode, (12 & Col. 14 Line 2), of the thin-film transistor, (Figure 19 & Col. 13 Lines 65-66); a

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scanning line, (10), coupled to a gate electrode, (10 & Col. 14 Line 3), of the thin-film transistor, (Figure 19 & Col. 13 Lines 65-66), and crossed to the data line, (12), to form a plurality of rectangular pixels in matrix, (Abstract Line 1, it is also obvious to one skilled in the art that a matrix array of pixels are necessary to display or capture an image, and Figure 19 shows the data line 12 extended to another TFT); a pixel electrode, (2), formed at each of the pixels and coupled to a source electrode, (1 & see ** below), of the thin-film transistor, (Figure 19 & Col. 13 Lines 65-66), the pixel electrode, (2), having an edge; and an auxiliary electrode, (1 & see ** below), coupled to the pixel electrode, (2), where in the edge of the pixel electrode, (2), is disposed on the auxiliary electrode, (1 & see ** below).

**** Initially, it is noted that the 35 U.S.C. § 103 rejection based on a source electrode and a auxiliary electrode deals with an issue (i.e., the integration of multiple pieces into one piece or conversely, using multiple pieces in replacing a single piece) that has been previously decided by the courts.**

In Howard v. Detroit Stove Works 150 U.S. 164 (1893), the Court held, "it involves no invention to cast in one piece an article which has formerly been cast in two pieces and put together...."

In In re Larson 144 USPQ 347 (CCPA 1965), the term "integral" did not define over a multi-piece structure secured as a single unit. More importantly, the court went further and stated, "we are inclined to agree with the solicitor that the use of a one-piece construction instead of the [multi-piece] structure disclosed in Tuttle et al. would be merely a matter of obvious engineering choice" (bracketed material added). The court cited In re Fridolph for support.

In re Fridolph 135 USPQ 319 (CCPA 1962) deals with submitted affidavits relating to this issue. The underlying issue in In re Fridolph was related to the end result of making a multi-piece structure into a one-piece structure. Generally, favorable patentable weight was accorded if the one-piece structure yielded results not expected from the modification of the two-piece structure into a single piece structure.

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Therefore, it would have been obvious to one of ordinary skill in the art to use the source and the auxiliary electrode as "merely a matter of obvious engineering choice" as set forth in the above case law.

11. Referring to claim 2, a thin-film transistor array structure, wherein a pattern constructed by the auxiliary electrode, the source electrode and the data line is designed as a mask.

Initially, and with respect to claim 2, note that a "product by process" claim is directed to the product per se, no matter how actually made, In re Hirao, 190 USPQ 15 at 17 (footnote 3). See also In re Brown, 173 USPQ 685; In re Luck, 177 USPQ 523; In re Wertheim, 191 USPQ 90 (209 USPQ 554 does not deal with this issue); In re Fitzgerald, 205 USPQ 594, 596 (CCPA); In re Marosi et al., 218 USPQ 289 (CAFC); and most recently, In re Thorpe et al., 227 USPQ 964 (CAFC, 1985) all of which make it clear that it is the final product per se which must be determined in a "product by process" claim, and not the patentability of the process, and that, as here, an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not. Note that Applicant has burden of proof in such cases as the above case law makes clear.

As to the grounds of rejection under section 103, see MPEP § 2113

12. Referring to claim 3, a thin-film transistor array structure, (Figure 19), wherein the auxiliary electrode, (1 & see ** above), is formed in an H-shaped pattern, (Col. 19 Lines 5-6).

13. Referring to claim 6, a thin-film transistor array structure, (Figure 19 & 20), comprising: a thin-film transistor, (Figure 19 & Col. 13 Lines 65-66); a data line, (12), coupled to a drain electrode, (12 & Col. 14 Line 2), of the thin-film transistor, (Figure 19 & Col. 13 Lines 65-66); a

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scanning line, (10), coupled to a gate electrode, (10 & Col. 14 Line 3), of the thin-film transistor and crossed to the data line, (12), to form a plurality of rectangular pixels in matrix, (Abstract Line 1, it is also obvious to one skilled in the art that a matrix array of pixels are necessary to display or capture an image, and Figure 19 shows the data line 12 extended to another TFT); and a pixel electrode, (1), formed at each of the pixels and coupled to a source electrode, (1 & Col. 14 Lines 1-2 & see **** below), of the thin-film transistor, (Figure 19 & Col. 13 Lines 65-66), via a contact hole, (see *** below), wherein the edge of the pixel electrode, (1 & Col. 14 Lines 1-2 & see **** below), is disposed on the source electrode, (1 & Col. 14 Lines 1-2 & see **** below), which is extended to the region where the pixel electrode, (1 & Col. 14 Lines 1-2 & see **** below), is next to the data line, (12).

*** Kondo et al. does not teach the pixel electrode is coupled with the source electrode via a contact hole, but the Applicant's Admitted Prior Art does. It would be obvious to one skilled in the art because a contact hole would allow for a more reliable connection between two electrodes due to the fact of securement and heat dissipation.

**** Initially, it is noted that the 35 U.S.C. § 103 rejection based on a source electrode and a pixel electrode deals with an issue (i.e., the integration of multiple pieces into one piece or conversely, using multiple pieces in replacing a single piece) that has been previously decided by the courts.

In Howard v. Detroit Stove Works 150 U.S. 164 (1893), the Court held, "it involves no invention to cast in one piece an article which has formerly been cast in two pieces and put together...."

In In re Larson 144 USPQ 347 (CCPA 1965), the term "integral" did not define over a multi-piece structure secured as a single unit. More importantly, the court went further and stated, "we are inclined to agree with the solicitor that the use of a one-piece construction instead of the [multi-piece] structure disclosed in Tuttle et al. would be merely a matter of obvious engineering choice" (bracketed material added). The court cited In re Fridolph for support.

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In re Fridolph 135 USPQ 319 (CCPA 1962) deals with submitted affidavits relating to this issue. The underlying issue in In re Fridolph was related to the end result of making a multi-piece structure into a one-piece structure. Generally, favorable patentable weight was accorded if the one-piece structure yielded results not expected from the modification of the two-piece structure into a single piece structure.

Therefore, it would have been obvious to one of ordinary skill in the art to use the source and the pixel electrode as "merely a matter of obvious engineering choice" as set forth in the above case law.

14. Referring to claim 7, a thin-film transistor array structure, wherein a pattern constructed by the source electrode and the data line is designed as a mask.

Initially, and with respect to claim 7, note that a "product by process" claim is directed to the product per se, no matter how actually made, In re Hirao, 190 USPQ 15 at 17 (footnote 3). See also In re Brown, 173 USPQ 685; In re Luck, 177 USPQ 523; In re Wertheim, 191 USPQ 90 (209 USPQ 554 does not deal with this issue); In re Fitzgerald, 205 USPQ 594, 596 (CCPA); In re Marosi et al., 218 USPQ 289 (CAFC); and most recently, In re Thorpe et al., 227 USPQ 964 (CAFC, 1985) all of which make it clear that it is the final product per se which must be determined in a "product by process" claim, and not the patentability of the process, and that, as here, an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not. Note that Applicant has burden of proof in such cases as the above case law makes clear.

As to the grounds of rejection under section 103, see MPEP § 2113

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15. Referring to claim 8, a thin-film transistor array structure, wherein the source electrode, (1 & Col. 14 Lines 1-2), is formed in a U shaped pattern, (Col. 19 Lines 5-6).

It would be obvious to one skilled in the art that geometrical shape of the letter I is the same as two U shapes connected together and rotated 180 degrees.

Kondo et al. in view of the Applicant's Admitted Prior Art discloses the claimed invention except for the pixel electrode in the exact shape of a U. It would have been obvious matter of design choice to make the pixel electrode in a U shape since applicant has not disclosed the U shaped pixel electrode solves any stated problem or is for any particular purpose and it appears that the invention would be equally well with an I or H shaped pixel electrode.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,977,563 Kubo et al.

16. Referring to claim 10, a Thin-Film Transistor array structure, comprising: a Thin-Film transistor having a drain electrode, (Figure 3 #2), a gate electrode, (Figure 3 #6), and a source electrode, (Figure 3 #19); a data line coupled to the drain electrode, (Figure 3 #2); a scanning line, (Figure 3 #1), coupled to the gate electrode, (Figure 3 #6), and crossed to the data line to form a plurality of rectangular pixels in matrix, (Col. 4 Lines 1-3); a pixel electrode, (Figure 3

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#5), formed at each of the pixels and coupled, (Figure 3 #28a), to the source electrode, (Figure 3 #19), the pixel electrode, (Figure 3 #5), having an edge region which is closest to the data line, (Figure 3 #2); and an auxiliary electrode, (Figure 3 #21), coupled to the pixel electrode, (Figure 3 #5), wherein the edge region is disposed on the auxiliary electrode, (Figure 3 #21).

17. Referring to claim 11, a Thin-Film Transistor array structure, comprising: a Thin-Film Transistor having a drain electrode, (Figure 3 #2), a gate electrode, (Figure 3 #6), and a source electrode, (Figure 3 #19); a data line, (Figure 3 #2), coupled to the drain electrode, (Figure 3 #2); a scanning line, (Figure 3 #1), coupled to the gate electrode, (Figure 3 #6), and crossed to the data line to form a plurality of rectangular pixels in matrix, (Col. 4 Lines 1-3); a pixel electrode, (Figure 3 #5), formed at each of the pixels and coupled to the source electrode, (Figure 3 #19), via a contact hole, (Figure 3 #28a), the pixel electrode, (Figure 3 #5), having an edge region which is closest to the data line, (Figure 3 #2), wherein the source electrode, (Figure 3 #19), comprises an extended portion extended to a region corresponding to the edge region of the pixel electrode, (Figure 3 #5), and the edge region of the pixel electrode, (Figure 3 #5), is disposed on the extended portion of the source electrode, (Figure 3 #19).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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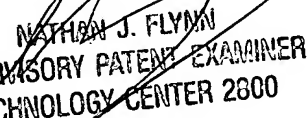
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor A Mandala Jr. whose telephone number is (703) 308-6560. The examiner can normally be reached on Monday through Thursday from 8am till 6pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (703) 308-6601. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

VAMJ
February 26, 2003


NATHAN J. FLYNN
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